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Washington, DC 20536-5009



**U.S. Immigration
and Customs
Enforcement**

September 5, 2019

Andrew Free
MuckRock News
DEPT MR 72903
411A Highland Ave
Somerville, MA 02144-2516

RE: 2019-ICAP-00532, 2019-ICFO-39213

Dear Mr. Free:

This is in response to your appeal letter dated July 29, 2019, received by ICE on August 8, 2019, appealing the adverse determination of your Freedom of Information Act (FOIA) request by the U.S. Immigration and Customs Enforcement (ICE) FOIA Office. Your May 10, 2019 FOIA request sought: electronic records evidencing or describing the total number of open investigations into deaths of individuals in DHS custody (including ICE and CBP) as of May 8, 2019; and any records showing the case number, responsible agency or agencies, and status of each investigation identified in Item 1 above.

By a letter dated July 22, 2019, the ICE FOIA Office advised that due to the open status of ongoing investigation, ICE had determined that the information you are requested is withholdable in its entirety pursuant to Title 5 U.S.C. § 552(b)(7)(A). In your most recent correspondence, you are appealing the withholdings applied to the requested information.

Upon a complete review of the administrative record, ICE has determined that there may be non-exempt information that can be released to you. Therefore, ICE is remanding your request to the ICE FOIA Office for reprocessing and direct response to you.

Should you have any questions regarding this appeal remand, please contact ICE at ice-foia@dhs.gov. In the subject line of the email please include the word “appeal,” your appeal number, which is **2019-ICAP-00532**, and the FOIA case number, which is **2019-ICFO-39213**.

Sincerely,



Shiraz Panthaky

Chief

Government Information Law Division
ICE Office of the Principal Legal Advisor
U.S. Department of Homeland Security

cc: The ICE FOIA Office